

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
INTEGRITY COMMUNICATIONS CORP, et al.,

Plaintiffs,

-against-

RALPH H. BAKER JR.,

Defendant.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the August 5, 2011 Report and Recommendation of United States Magistrate Judge Ronald L. Ellis (the "Report"). The Report recommends that Plaintiffs' Motion for Default, Docket # 14, be DENIED. (Report at 1, 3.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16

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(2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

The Report advised Parties of the procedure for filing objections and warned that failure to file objections would waive objections and preclude appellate review. (Report at 3-4.) By letter dated August 11, 2011, Plaintiffs moved for an extension of time to file Objections, and this Court denied Plaintiffs' request by memo endorsement on that same date. No Party has filed any objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Ronald L. Ellis dated August 5, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Plaintiffs' Motion for Default is DENIED.

SO ORDERED.

Dated: New York, New York

September 2, 2011

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts  
United States District Judge